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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,508	10/14/2005	Kenji Morimoto	OKUDP0137US	7432
51921 7590 01/20/2010 MARK D. SARALINO (PAN) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE 19TH FLOOR CLEVELAND, OH 44115				
EXAMINER				
KHAN, ASHER R				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
01/20/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,508

Applicant(s)

MORIMOTO ET AL.

Examiner

ASHER KHAN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-20, 22- 32 and 34-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-20, 22- 32 and 34-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19-20, 23-26, 28-32 and 35 are rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent 6,330,365 B1 to Yasuda et al. "Yasuda"

As to claims 19, 25 and 30, Yasuda discloses a data processing method comprising the steps of:

- a) acquiring a first stream (Fig. 10 (a), 20);
- b) if a second stream (Fig. 10 (a), 21), of which the data is discontinuous with the first stream (Fig. 11, Col. 12 lines 16-17), is acquired after the first stream, adding identification information (Dummy data , Fig. 10 (a), 10a) to the end of the first stream;
- c) acquiring the second stream after the identification information (Fig. 10 (a), 21);
- d) decoding the first stream, the identification information and the second stream in this order on the basis of a predetermined unit (Col. 9, lines 13-30);
- e) determining whether or not the identification information is included in the unit to be decoded in the step (d) (Col. 9, lines 60-67 and Col. 10, lines 1-26); and
- f) if the identification information has been detected, starting to decode the next unit without outputting the data in the unit (Col. 11, lines 56-67, Col. 12, lines 1-9) and so that a unit in the first stream is incomplete (Fig. 13; Col. 9 lines 23-40).

As to claims 20, 26 and 32, Yasuda discloses everything claimed as applied in claim 19 above. In addition Yasuda discloses wherein the inserting section inserts a dummy packet as the identification information and wherein the dummy packet is replaced with an error code (Fig. 10(a)-10(e)).

As to claims 23, 28 and 35, Yasuda discloses everything claimed as applied in claim 19 above. In addition Yasuda discloses wherein the predetermined unit is picture data (Fig. 10(a), 23).

As to claim 24, Yasuda discloses everything claimed as applied in claim 19 above. In addition Yasuda discloses wherein the stream is not split on the basis of the predetermined unit but on a different unit basis (Macroblocks, Fig. 13).

As to claims 29 and 31, Yasuda discloses everything claimed as applied in claim 19 above. In addition Yasuda discloses wherein each of the first and second streams includes a number of units (I Pictures) and a portion of a unit (Fig. 6a-6c), and the first and second streams are split at the portions of the unit (Col. 1, lines 60-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 22, 27 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,330,365 B1 to Yasuda et al. “Yasuda” in view of U.S. Patent 6,823,131 B2 to Abelard et al. “Abelard”**

As to claims 22, 27 and 34, Yasuda discloses everything claimed as applied in claim 19 above.. However Yusada does not expressly disclose wherein the stream is a transport stream.

Abelard discloses wherein the stream is a transport stream (Col. 3, lines 4-60).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Yasuda with the teachings of Abelard. Rationale to combine would have been that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. K./
Examiner, Art Unit 2621

/Andy S. Rao/
Primary Examiner, Art Unit 2621
January 17, 2010